

REMARKS

In light of the following remarks and foregoing amendments, applicants respectfully submit that the above-identified application is in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of claims 1-17 is hereby respectfully solicited.

**I. REJECTIONS UNDER 35 U.S.C. §112**

Applicants respectfully traverse the rejection of claim 14 as indefinite (for depending from the non-existent claim 18.) Claim 14 has been amended to depend from claim 12. Reconsideration and withdrawal of the indefiniteness rejection is hereby respectfully requested.

**II. REJECTIONS UNDER 35 U.S.C. §102 AND §103**

Applicants respectfully traverse the rejection of claims 1-17 as anticipated by or obvious over Dentler et al. (U.S. Patent No. 6,289,368). Amended independent claims 1 and 8 recite, *inter alia*, an event historian or a batch history application for receiving event information from multiple sources operating in different physical elements of a process, and for deriving relationships among portions of said event information based on the interaction of the physical elements or corresponding to an identified batch. Stated another way, the claimed event historian or batch history application collects data from different physical elements in a process, and organizes this data based, in part, on where in the process the data was collected.

Dentler et al. does not suggest or disclose, at any level, an event historian or a batch history application for receiving event information from multiple sources operating in different *physical* elements of a process, much less deriving or displaying a relationship, of any kind, between this data. To the contrary, Dentler et al. simply teaches a method and apparatus for executing or processing computer transactions in "real-time" or in a batch *within* a mainframe computer system. The

computer system<sup>1</sup> disclosed in Dentler et al. is not an event historian or a batch history application that receives event information from multiple sources operating in different physical elements of a process and the computer system of Dentler et al. does not derive or display relationships, of any kind, between the different event information, much less, based on the interaction of physical elements, as recited by the claims at issue.

Because Dentler et al. does not contain each and every element recited in independent claims 1 and 8, either expressly or inherently, it cannot anticipate these claims. See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In particular, Dentler et al. does not disclose, at any level, an event historian or a batch history application that receives event information from multiple sources operating in different physical elements of a process and does not disclose deriving or displaying a relationship, of any kind, between different parts of this data. Reconsideration and withdrawal of the anticipation rejection is therefore respectfully requested.

Furthermore, the pending action does not set forth a *prima facie* case of obviousness<sup>2</sup> because Dentler et al. does not teach or suggest all of the claim limitations set forth in the claims at issue. As discussed above, Dentler et al. does not suggest, at any level, an event historian or

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<sup>1</sup> "[L]arge multi-purpose computer systems have been used for processing or executing many different transactions, processes and programs initiated or requested by one or more users. [T]ransactions executed on these large computer systems fall into two broad categories. The first category comprises 'real-time' transactions, which refers to transactions that are responded to and handled as soon as they occur. The second category is called 'batch' transactions, which are generally processed some time period after they are initiated or requested by a user." Col. 1, lines 26-40.

<sup>2</sup> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

a batch history application that receives event information from multiple sources operating in different physical elements of a process, much less deriving or displaying a relationship, of any kind, between this data. In fact, the computer processes disclosed in Dentler et al. occur entirely with the same computer system. As a result, there are no different physical elements (e.g. process devices) to track, much less different physical elements to use to derive or display relationships between data within the process. For these reasons, claims 1-17 cannot be rendered obvious in light of Dentler et al. Reconsideration and withdrawal of the obviousness rejection is hereby respectfully requested.

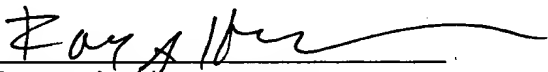
**III. CONCLUSION**

For these foregoing reasons, applicants submit that the application is in condition for allowance.

Respectfully submitted for,

MARSHALL, GERSTEIN & BORUN

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By:   
Roger A. Heppermann  
Reg. No. 37,641  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300